IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1127 OF 2004

Joseph Andrew Falcon ...Appellant

Vs.

Municipal Corporation of
Greater Bombay ...Respondent

Mr.R.A.Thorat for the Appellant
Mrs.V.K.Khatu with J.Xavier for B.M.C.-Respondent

CORAM: A.S.OKA, J.

DATED: JANUARY 18, 2005.

P.C.:

1. Affidavit tendered by the Appellant is marked "X" for identification. The Appellant has stated in the Affidavit that he wants to withdraw L.C.Suit No.3981 of 2001 filed by him and he desires to submit the proposal for regularisation of the suit structure. The learned Counsel for the Appellant submits that some protection be granted till Application for regularisation is decided. Considering the facts of this case, this request deserves to be granted.

2. In view of this Affidavit, I pass the following order :

i) L.C.Suit No.3981 of 2001 filed by the Appellant is dismissed as withdrawn with no order as to costs.

ii) Consequently, Appeal from Order is also dismissed with no order as to costs.

iii) If application is made by the Appellant to the concerned Officer of the Respondent-Corporation in a prescribed form through a licensed Architect within a period of six weeks from today for regularisation of the suit structure, the same shall be decided by the concerned Officer of the Respondent-Corporation within a period of six weeks thereafter. The concerned Officer of the Respondent-Corporation will communicate the order passed on the proposal for regularisation to the Appellant within a period of one week from the date of passing the order.

iv) Both the parties will maintain status quo as of today for a period of sixteen weeks from today. If Application for regularisation is not made within the prescribed time, order of status quo will not operate.

v) Parties to act upon an authenticated copy of this order.

Judge.